

REMARKS

The December 10, 2004 Office Action regarding the above-identified application has been carefully considered, and the remarks that follow are presented in a bona fide effort to respond thereto and address all issues raised in that Action. Prompt favorable reconsideration of this amended application is respectfully requested.

The Examiner's allowance of claims 37-40 is noted with appreciation.

Claims 11-13 and 34-36 stand rejected under the second paragraph of 35 U.S.C. § 112 for alleged indefiniteness. This rejection is traversed. It is respectfully submitted that the pending versions of claims 11-13 and 34-36 are reasonably clear and concise and that the scope thereof would be readily understandable to person of skill in the art upon a mere reading of the claims.

The rejection is founded on an assertion that claims 11-13 and 34-36 are indefinite, because the preambles of the independent claims refer to using ground penetrating radar, but the bodies of the independent claims (11-13) do not positively specify that GPR is part of the apparatus.

Reference to GPR only in the preamble of the claims clearly establishes the desired breadth of coverage. Although the scope of a claim may be broad, breadth alone does not create indefiniteness. Contrary to the allegation in the rejection, it was not intended that the ground penetrating radar is actually part of any of the three types of apparatus recited in independent claims 11-13-11. The intent in each case was to claim an apparatus that processed GPR data, i.e. from the GPR sensor, but not to specifically include the GPR radar device or sensor in the respective apparatus.

The bodies of claims 11-13 specify different sets of elements of various apparatuses that use or process data from a GPR sensor. However, to process data from the sensor does not

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require that the apparatus itself includes such a sensor. To the contrary, the non-limiting preambles make clear that GPR is used by the apparatus that actually identifies the buried object, but the fact that the GPR sensor is not in the body of any of these claims should also make clear that neither the GPR nor the GPR sensor is an element of any of the apparatuses.

For these reasons, it is respectfully submitted that the present form of claims 11-13 and of dependent claims 34-36 is sufficiently clear and definite to satisfy the statutory requirement. Since there is no other rejection of these claims, it is believed that claims 11-13 and 34-36 are in condition for allowance.

An Information Disclosure Statement was filed in this matter on June 17, 2004. However, the June 28, 2004 Office Action did not indicate consideration of that Statement or of any of the documents listed on the associated form PTO-1449. It is not clear from latest Action if the June 17, 2004 statement had been matched with the application, as the December 10, 2005 Office Action similarly failed to indicate consideration of that Statement or of any of the documents listed on the associated form PTO-1449. As noted in the previous response, one point in the Statement may have need clarification. Contrary to the Statement, US publication 2003/0043067 is not itself an earlier case from which this case claims priority. Instead, the 2003/0043067 publication relates to a parallel case claiming priority from common ancestor application 09/658,188.

The on-line version of the file of this application, available through PAIR on the Patent Office website, now includes a scanned copy of the June 17, 2004 Information Disclosure Statement as well as an un-initialed copy of the accompanying PTO-1449 form. Hence, it appears that all requisite materials from the Statement are available to the Examiner. It is respectfully requested that the reconsideration of this application include full consideration of the

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documents identified in the June 17, 2004 Information Disclosure Statement and that the next official communication from the Examiner include an initialed copy of the form PTO-1449 indicating consideration of all of the listed documents.

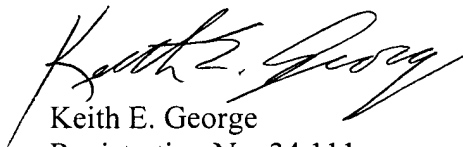
Claims 11-13 and 34-40 remain active in this application, all of which should be in condition for allowance. Accordingly, this case should now be ready to pass to issue; and a prompt favorable reconsideration of this matter is respectfully requested.

It is believed that this response addresses all issues raised in the December 10, 2004 Office Action. However, if any further issue should arise that may be addressed in an interview or an Examiner's amendment, it is requested that the Examiner telephone Applicant's representative at the number shown below.

To the extent necessary, if any, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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